



Legal Protections for Patients



The law provides that registered patients and caregivers abiding by the Act are "not subject to arrest, prosecution, or denial of any right or privilege, including but not limited to civil penalty or disciplinary action ..." for doing so.

It also prevents property owners, employers, and schools from discriminating based on a person's status as a caregiver or patient, unless they would otherwise lose a federal monetary or licensing benefit. Employers generally cannot penalize staff for testing positive for marijuana unless they used, possessed, or were impaired by marijuana at work or during work hours.

Possession Limits

Delaware's law allows a patient with a registry identification card to possess six ounces at once and to obtain up to three ounces of processed marijuana every 14 days. When patients or caregivers are out of their residences, marijuana must be stored in an approved, sealed container obtained from a compassion center, unless the marijuana is being administered or prepared for administration. Registered caregivers may possess up to six ounces for each patient they assist.

Home cultivation is not allowed in Delaware.



History of the Delaware Medical Marijuana Program

The Division of Public Health (DPH), authorized by 16 Del.C.Ch.49A - Delaware's Medical Marijuana Act, regulates the state's Medical Marijuana Program (MMP). The Office of Medical Marijuana (OMM), established by DPH's Health Systems Protection Section (HSP), began accepting patient applications for registration in the program in July 2012.

In August 2013, DPH was authorized to implement a pilot compassion center. Delaware's procurement process yielded a contract awarded to First State Compassion Center (FSCC) in August 2014. A license to begin growing the medical marijuana was issued to FSCC in December 2014. The center is expected to open for patient sales in April 2015.

The OMM has authority to inspect compassion center operations, including the facility itself, to ensure conformity to the requirements established by the law, regulations, and other documents associated with the contract.

These include a not-for-profit operation and tightly regulated governance, personnel, security, documentation, inventory, training, and quality of marijuana grown, packaged and distributed by the centers.



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Division of Public Health
Health Systems Protection Section

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**Prevent Diversion
For Medical Use Only**



Delaware Health and Social Services
Division of Public Health
Health Systems Protection Section



Delaware Office of Medical Marijuana

PATIENT INFORMATION



Delaware Office of Medical Marijuana
www.dhss.delaware.gov/dhss/dph/hsp/medmarhome.html

PATIENT ACCESS

Patients are permitted to obtain marijuana from the state-registered non-profit compassion center to which they are empaneled by the Office of Medical Marijuana (OMM). The first pilot compassion center is expected to open in 2015. The Department has developed rules for the compassion centers' oversight, record keeping, and security. It also sets application and registration fees, which must cover the costs of administering the program.

The Department is also charged with selecting compassion centers, based on a scored competitive application process. Dispensaries must be at least 1,000 feet from schools, they must cultivate their own marijuana, either at the retail site or at additional enclosed, locked cultivation locations that must be registered with the Department. Dispensaries can dispense no more than three ounces of marijuana to a patient every 14 days.

QUALIFYING FOR THE PROGRAM

The Department shall issue a registry identification card to an applicant upon written certification of the applicant's physician, supporting application documents and a non-refundable application fee. The Patient Application shall contain:

- Name, address, date of birth of the applicant
- Copy of the applicant's State of Delaware or federal issued photo identification card verifying residence
- Medical justification for the physician's certification of the patient's medical condition
- Name, address, telephone number, fax number, and clinical licensure for applicant's physician (licensed in Delaware)
- Length of time the applicant has been under the care of the physician providing the medical certification for the patient
- Physician signature and date within 90 days of application submission
- Signed consent for release of medical information related to the patient's debilitating medical condition



COMMON QUESTIONS

Q: If I am a homebound patient, can someone else help me get my medical marijuana?

A: Yes. A qualified patient can designate a caregiver who must register with the Delaware Medical Marijuana Program through an additional application and fee. Your approved caregiver can assist you in obtaining your medical marijuana.

Q: Where do I get medical marijuana?

A: The State currently recognizes properly permitted compassion centers as the only legal way to obtain marijuana.

Q: What medical conditions are approved by the program?

A: A physician must certify that a patient has an approved debilitating medical condition to participate in the Medical Marijuana Program. Approved conditions are as follows: cancer, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), decompensated cirrhosis (hepatitis C), amyotrophic lateral sclerosis (ALS), post-traumatic stress disorder (PTSD), and agitation of Alzheimer's disease or the treatment of these conditions. The program also recognizes a chronic or debilitating disease, or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain that has not responded to previously prescribed medication or surgical measures for more than three months or for which other treatment options produced serious side effects; intractable nausea; seizures; or severe and persistent muscle spasms.

Q: Is there a fee to participate in the program?

A: Yes. The fee for processing patient and caregiver applications is \$125 each. Cardholders will renew their card annually to remain active with the Program. Applicants may qualify for a card at a reduced fee based on income eligibility.

Q: How old do I have to be to register?

A: Patients must be 18 years of age and caregivers must be 21 years of age.

Q: I possess a medical marijuana patient card from another state; may I use it in Delaware to obtain medical marijuana?

A: No. To be eligible for the Delaware Medical Marijuana program you must:

- Maintain a bona fide relationship with a Delaware physician and,
- Be certified with a debilitating medical condition, and
- Be a verified Delaware resident.

Q: Is medical marijuana covered by my health insurance?

A: No, medical marijuana is not a covered service under Medicaid or any other health plans in the State of Delaware.

Q: If qualified and approved, are there any restrictions regarding the use of medical marijuana?

A: This program does not authorize any person to engage in, and does not prevent the imposition of any civil, criminal or other penalties for engaging in the undertaking of any task under the influence of marijuana, when doing so would constitute negligence or professional malpractice. Smoking marijuana in any public place or in any form of transportation is prohibited.

For a full list of rules, regulations, limitations and restrictions, the Medical Marijuana Program recommends that you familiarize yourself with the Act. Title 16 Del.C.Ch.49A as can be found on our website:
<http://dhss.delaware.gov/dhss/dph/hsp/medmarhome.html>